

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLES DAVID CLEMENT,

Defendant.

CR 21–12–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Regarding Revocation of Supervised Release. (Doc. 91.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found, based on a preponderance of evidence, that Defendant violated the third mandatory condition of supervised release that he refrain from

the unlawful use of a controlled substance. (Doc. 90 at 4.) Judge Desoto recommends that this Court revoke Defendant's supervised release and sentence him to two (2) months custody, with credit for time served, followed by 58 months of supervised release. (*Id.* at 4.)

The Court finds no clear error in Judge DeSoto's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 91) is ADOPTED in full.

Defendant shall be sentenced in conformity with Judge DeSoto's recommendation in the judgment filed concurrently with this Order.

DATED this 3rd day of January, 2025.



Dana L. Christensen, District Judge
United States District Court